



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2010-2011

October 08, 2010

Chris Guest
Grady County School District
122 N. Broad St.
Cairo, GA 39828

Re: Applicant Name: GRADY COUNTY SCHOOL DISTRICT
Billed Entity Number: 127508
Form 471 Application Number: 745065
Funding Request Number(s): 2043038, 2043058
Your Correspondence Dated: June 22, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2010 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2043038, 2043058
Decision on Appeal: **Denied**
Explanation:

- According to our records, you provided documentation demonstrating that the Pre-k enrollment as well as the free and reduced student counts are associated with the ineligible entities and the associated dollars impact the above funding requests. Program Integrity Assurance confirmed that the dollars are associated with the ineligible entities. The information provided indicates that the following ineligible Pre-k entities were to receive the products and/or services: Northside Elementary School, Southside Elementary School, Eastside Elementary School, Shiver Elementary School and Whigham Elementary School. These entities do not satisfy the statutory definition(s) as explained below. Whether an individual school, school district, or consortia of schools or school districts are eligible for discounts depends on whether the entity meets the statutory definitions as outlined

below. In your appeal, you did not show that USAC's initial determination was incorrect. Consequently, your appeal is denied.

- FCC rules provide that [o]nly schools meeting the statutory definitions of elementary school, as defined in 20 U.S.C. 7801(18), or secondary school, as defined in 20 U.S.C. 7801(38) . . . shall be eligible for discounts. *See* 47 C.F.R. sec. 54.501(b)(1). The FCC has defined a school as including individual schools, school districts, and consortia of schools and/or school districts. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9002, FCC 97-157 para. 425, n.1087 (rel. May 8, 1997). 20 U.S.C. 7801(18) defines an elementary school as a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law. 20 U.S.C. 7801(38) defines a secondary school as a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12. *See* 47 C.F.R. sec. 54.500(c) and (k). The FCC's Bootheel Consortium Order directed USAC to permit the applicant to revise its funding request to remove the services for ineligible entities or allow the applicant to provide additional documentation to show why the relevant entity is eligible within 15 calendar days from the date of receipt of notice in writing by USAC. *See* Requests for Review of Decisions of the Universal Service Administrator by Bootheel Consortium, Silver City, NM et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-309634, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8747, FCC 07-62 para. 10 (May 8, 2007).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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Billed Entity Number: 127508
Form 471 Application Number: 745065
Form 486 Application Number: